



VPI/00-115 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kuida et al.  
Serial No.: 09/888,182  
Filing Date: June 22, 2001 (22.06.01)  
For: ERK-5 DEFICIENT ANIMALS AND METHODS  
OF INHIBITING ANGIONENESIS THROUGH  
THE INHIBITION OF ERK-5

Cambridge, Massachusetts  
April 11, 2002

Hon. Assistant Commissioner  
For Patents  
Washington, D.C. 20231

Attention: Office of Petitions

TRANSMITTAL LETTER FOR PETITION UNDER 37 C.F.R. 1.53 (b)

Sir:

Transmitted herewith in response to the Notice  
of Incomplete Nonprovisional Application - Filing Date  
Not Granted, mailed December 11, 2001, are the following  
materials relating to the above-identified application:

1. Transmittal letter for Petition under  
37 C.F.R. 1.53(b)
2. Petition under 37 C.F.R. 1.53(b)
3. Copy of Notice of Incomplete  
Nonprovisional Application
4. Sequence Listing & Diskette
5. Verified Statement Under 37 C.F.R.

6. Petition for Extension of Time (2 Months)
7. Copy of Petition Filed October 17, 2001
8. Copy of Transmittal letter for Petition under 37 C.F.R. 1.53(b) filed October 17, 2001
9. Copy of previously stamped Return Receipt Postcard
10. Certificate of Mailing
11. Return Receipt Postcard

Applicants hereby authorize the Commissioner to charge Deposit Account No. 50-0725 in the amount of \$130.00 pursuant to Rule 37 C.F.R. 1.17(h).

Applicant's believe that no additional fees are due at this time however, the Commissioner is hereby authorized to charge payment of additional fees required under 37 C.F.R. 1.16 in connection with the paper transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,



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Andrea L.C. Robidoux  
(Reg.No. 47,902)  
Agent for Applicants  
C/O Vertex Pharmaceuticals Inc.  
130 Waverly Street  
Cambridge, MA 02139-4242  
Tel: (617) 444-6731  
Fax: (617) 444-6483

April 11, 2002  
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/888,182	06/22/2001	Keisuke Kuida	VPI/00-115 US

CONFIRMATION NO. 8856

FORMALITIES LETTER



\*OC000000007179259\*

Andrew S. Marks  
VERTEX PHARMACEUTICALS INC.  
130 Waverly Street  
Cambridge, MA 02139-4242

Date Mailed: 12/11/2001

**NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)



**Certificate Of Mailing Under 37 CFR 1.10**

Express Mailing No ET795388012US Date of Deposit October 17, 2001

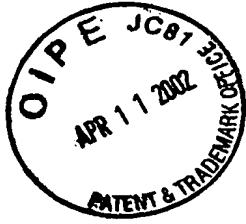
I hereby certify that this document/application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington D.C. 20231

1. Transmittal Letter
2. Petition Under 37 C.F.R. 1.53 (b)
3. Preliminary Amendment
4. Appendix A
5. Appendix B
6. Copy of Notice of Incomplete Non-Provisional Application – Filing Date Not Granted
7. Certificate of Mailing
8. Return Receipt Postcard

Angela J. Billings  
(type or printed name of person mailing document/applications)

(signature of person mailing document/application)

VPI/00-115



04-12-02

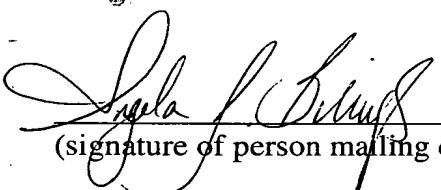
14 sec/7  
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### Certificate Of Mailing Under 37 CFR 1.10

Express Mailing No. ET795758910US Date of Deposit April 11, 2002

I hereby certify that this document/application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington D.C. 20231

Angela J. Billings  
(type or printed name of person mailing document/applications)

  
(signature of person mailing document/application)

1. Transmittal letter for Petition under 37 C.F.R. 1.53 (b)
2. Petition under 37 C.F.R 1.53 (b)
3. Copy of Notice of Incomplete Nonprovisional Application
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11. Return Receipt Postcard

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*ZB*

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



VPI00-115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kuida et al.,  
Serial No.: 09/888,182  
Filing Date: June 22, 2001  
For: ERK-5 DEFICIENT ANIMALS AND METHODS  
OF INHIBITING ANGIOGENESIS THROUGH  
THE INHIBITION OF ERK-5

Cambridge, Massachusetts  
October 17, 2001

Hon. Assistant Commissioner  
For Patents  
Washington, D.C. 20231

Attention: Office of Petitions

TRANSMITTAL LETTER FOR PETITION UNDER 37 C.F.R. 1.53(b)

Sir:

Transmitted herewith in response to the Notice  
Of Incomplete Nonprovisional Application - Filing Date  
Not Granted, mailed August 23, 2001, are the following  
materials relating to the above-identified application:

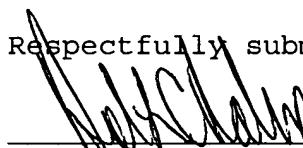
1. Petition Under 37 C.F.R. 1.53(b)

2. Preliminary Amendment
3. Appendix A
4. Appendix B
5. Copy of Notice Of Incomplete  
Nonprovisional Application - Filing  
Date Not Granted;

Applicants hereby authorize the Commissioner to charge Deposit Account No. 50-0725 in the amount of \$130.00 Rule 37 C.F.R. 1.26(a).

Applicant's believe that no additional fees are due at this time however, the Commissioner is hereby authorized to charge payment of additional fees required under 37 C.F.R. 1.26 in connection with the paper transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

  
\_\_\_\_\_  
Andrea L.C. Robidoux (Reg. No. 47,902)  
Agent for Applicants  
Vertex Pharmaceuticals Inc.  
130 Waverly Street  
Cambridge, MA 02139-4242  
Tel.: (617) 444-6731  
Fax.: (617) 444-6483



OIF  
APR 11 2002  
PATENT & TRADEMARK OFFICE

"DOCKETED" 10/23/01

Page 1 of 2  
*J. Robidoux*

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/888,182	06/22/2001	Keisuke Kuida	VPI/005115-US

CONFIRMATION NO. 8856

FORMALITIES LETTER



\*OC00000006462521\*

Andrea L.C. Robidoux  
Vertex Pharmaceuticals Incorporated  
130 Waverly Street  
Cambridge, MA 02134

Date Mailed: 08/23/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and

a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY